Mr. A. Madhava Prabhu *(Diwan Peishkar):* I move that the Bill may be taken up and finally passed to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Cochin Anchal Bill

Mr. B. V. K. Menon *(Joint Secretary to Government):* I move that the Cochin Anchal Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Secretary to the Council: The Title of the Bill is the Cochin Anchal Bill.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I request that Standing Order No. 32 be suspended. This also is a Bill which is meant to bring our Act in conformity with the British Indian Postal Act and the Travancore Anchal Act. It is not at all a controversial matter. The present Act was passed in the year 1067. Many years have passed by. I request that this Bill may be taken into consideration immediately suspending Standing Order No. 32.

Mr. President: Standing Order is suspended.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I move that the Cochin Anchal Bill be taken into consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Clauses 2 to 66 put and carried

Schedule and forms put and carried

Clause 1, Title and Preamble put and carried

Mr. B. V. K. Menon *(Joint Secretary to Government):* I move that the Bill may be taken up and finally passed to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Cochin Municipal Act (Amendment) Bill

Mr. C. J. Mathew *(Joint Secretary to Government):* Sir, I move that the Cochin Municipal Act Amendment Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. P. P. Devassy *(Trichur-South):* Sir, I have given notice of an Amendment.

Mr. President: That comes later.

Mr. C. J. Mathew *(Joint Secretary to Governmnt):* Sir, Though the Statement of Objects and Reasons sufficiently explain the object of Government for introducing such an amendment to the Municipal Act, I wish to add a few words by way of explaining further the provisions of this amending Bill. According to the existing provisions in the Municipal Act Government can remove a Commissioner within his ordinary term of 3 years only when the Commissioner is proved to be insufficient or negligant or incapable in the discharge of his duties or where his removal is sought by a vote of the Council itself. This provision will not authorise Government in removing him when exigencies of service actually demands it. The amendment seeks to bring the provision in line with the provision in the Madras District Municipalities Act. The other main amendment sought by the Bill is to disqualify a member to continue in office after he accepts office under Government. Though the Act disqualifies a Government servant from standing for election to the Council there is no express provision prohibiting a member from continuing as member when he accepts office under Government after his election. Provision on analogous lines is contained in the Government of Cochin Act and the Madras District Municipalities Act and the House will agree that it is only proper that the councillor ceases to be a member after acceptance of office under Government. I commend the motion for the kind acceptance of the House.

Mr. A. B. Salem *(Mattancheri):* When a man accepts an appointment under the Government does it *ipso facto* disqualify him to be a Councillor ?

Mr. C. J. Mathew *(Joint Secretary to Government):* As matters now stand he can continue as a Councillor. There is nothing to disqualify him.

Mr. A. B. Salem *(Mattancheri):* Are we not removing Commissioners within the 3 years Now ?

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APPENDIX II

THE COCHIN ANCHAL BILL

Whereas it is expedient to consolidate and amend the law relating to the Anchal Offices in the State; It is hereby enacted as follows.—

CHAPTER I

Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the Cochin Anchal Act, XVII of 1119.

(2) It extends to the whole of Cochin State.

(3) It shall come into force on such day as Government may by notification in the Cochin Government Gazette appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) the expression "mail bag" includes a bag, box, parcel or any other envelope or covering in which Anchal articles in course of transmission by Anchal are conveyed, whether it does or does not contain any such article;

(*b*) the expression "Officer of the Anchal Department" includes any person employed in any business of the Anchal Department or on behalf of the Anchal Department;

(*c*) the expression "postage" means the duty chargeable for the transmission by Anchal of Anchal articles;

(*d*) the expression "Anchal stamp" means any stamp provided by Government for denoting postage or other fees or sums payable in respect of Anchal articles under this Act and includes adhesive anchal stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, card or other article;

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(*e*) the expression "Anchal Office" includes every house, building, room, carriage or boat, or place used for the purposes of the Anchal Office, and every letter box provided by the Anchal Office for the reception of Anchal articles;

(*f*) the expression "Anchal article" includes a letter, card, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by Anchal.

Meanings of "in course of transmission by Anchal" and "delivery".

3. For the purposes of this Act,—

(*a*) an Anchal article shall be deemed to be in course of transmission by Anchal from the time of its being delivered to an Anchal Office to the time of its being delivered to the addressee or of its being returned to the sender or otherwise disposed of under Chapter VII:

(*b*) the delivery of an Anchal article of any description to an Anchalman or other person authorised to receive Anchal articles of that description for the Anchal shall be deemed to be a delivery to an Anchal Office; and

(*c*) the delivery of an Anchal article at the house or office of the addressee, or to the addressee or his servant or agent or other person authorised to receive the article according to the usual manner of delivering Anchal articles to the addressee, shall be deemed to be delivery to the addressee.

CHAPTER II

Privilege and Protection of Government

Exclusive privilege of conveying letters reserved to Government.

4. (1) Wherever within Cochin State, Anchal or Anchal communications is or are established by Government, Government shall have the exclusive privilege of conveying by Anchal, from one place to another, all letters, except in the following cases, and shall also have

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the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say.—

(*a*) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying, or delivering them;

(*b*) letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose;

(*c*) letters solely concerning goods or property, sent either by sea or by land to be delivered with the goods or property which the letters concern, without hire, reward or other profit, or advantage for receiving, carrying, or delivering them; and

(*d*) letters carried by the British Post under such arrangements as have been or may be made by Government from time to time:

Provided that nothing in this section shall authorise any person to make a collection of letters excepted as aforesaid for the purpose of sending them otherwise than by Anchal.

(2) For the purposes of this section and section 5 the expression "letters" includes Anchal cards.

Certain persons expressly forbidden to convey letters.

5. Wherever within Cochin State, Anchal or Anchal communications is or are established by Government, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no

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hire, reward or other profit or advantage for so doing, that is to say.—

(*a*) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages; and

(*b*) owners and masters of vessels sailing or passing on any river or canal in Cochin State or between any ports or places in Cochin State, and their servants or agents except as regards the letters solely concerning goods on board.

Exemption from liability for loss, misdelivery, delay or damage.

6. Government shall not incur any liability by reason of the loss, misdelivery, or delay or damage to any Anchal article in course of transmission by Anchal, except in so far as such liability may, in express terms, be undertaken by Government, as hereinafter provided; and no officer of the Anchal Department shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his wilful act or default.

CHAPTER III

Postage

Power to fix rates of postage.

7. Government may, by notification in the Cochin Government Gazette, fix the rates of postage and other sums to be charged in respect of Anchal articles sent by Anchal under this Act, and may make rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged.

Power to make rules as to payment of postage and fees in certain cases.

8. Government may, by rule,—

(*a*) require the prepayment of postage on Anchal articles or any class of Anchal articles, and prescribe the manner in which prepayment shall be made;

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(*b*) prescribe the postage to be charged on Anchal articles when the postage is not prepaid or is insufficiently prepaid;

(*c*) provide for the redirection of Anchal articles and the transmission by Anchal of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules; and

(*d*) prescribe the fees to be charged for the "Express delivery" of Anchal articles, in addition to, or instead of, any other postage chargeable thereon under this Act.

Explanation.—"Express delivery" means delivery by a special messenger or conveyance.

Power to make rules as to registered newspapers.

9. (1) Government may make rules providing for the registration of newspapers for transmission by Anchal as registered newspapers.

(2) For the purpose of such registration, every publication consisting wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely.—

(*a*) that it is published in numbers at intervals of not more than thirty-two days; and

(*b*) that it has a *bona fide* list of subscribers.

(3) An extra or supplement to a newspaper, bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper:

Provided that no such extra or supplement shall be so deemed, unless it consists wholly or in great part of matter like that of the newspaper and has the title and date of publication of the newspaper printed at the top of each page.

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Explanation.—Nothing in this section or in the rules thereunder shall be construed to render it compulsory to send newspapers by Anchal.

Liability for payment of postage.

10. (1) The addressee of an Anchal article on which postage or any other sum chargeable under this Act is due, shall be bound to pay the postage or sum so chargeable on his accepting delivery of the Anchal article, unless he forthwith returns it unopened:

Provided that, if any such Anchal article appears to the satisfaction of the Superintendent of Registration and Anchal to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage.

(2) If any Anchal article on which postage or any other sum chargeable under this Act is due, is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Act.

Recovery of postage and other sums due in respect of Anchal articles.

11. If any person refuses to pay any postage or other sum due from him under this Act in respect of any Anchal article, the sum so due may, on application made by an officer of the Anchal Department authorised in this behalf by the written order of the Superintendent of Registration and Anchal, be recovered for the use of the Anchal Department from the person so refusing as if it were a fine imposed under this Act by any Magistrate having jurisdiction where that person may for the time being be resident and the Superintendent of Registration and Anchal may further direct that any other Anchal article, not being on Cochin Government Service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

Anchal Office marks *prima facie* evidence of certain facts denoted.

12. In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of an Anchal article,—

(*a*) the production of the Anchal article, having thereon the official mark of the Anchal Office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact so denoted, and

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(*b*) the person from whom the Anchal article purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.

Official mark to be evidence of amount of postage.

13. The official mark on an Anchal article denoting that any postage or other sum is due in respect thereof to the Anchal Department shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

CHAPTER IV

Anchal Stamps

Provision of Anchal stamps and power to make rules as to them.

14. (1) Government shall cause Anchal stamps to be provided of such kinds and denoting such values as they may think necessary for the purposes of this Act.

(2) Government may make rules as to the supply, sale and use of Anchal stamps.

(3) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) fix the price at which Anchal stamps shall be sold;

(*b*) declare the classes of Anchal articles in respect of which Anchal stamps shall be used for the payment of postage or other sums chargeable under this Act;

(*c*) prescribe the conditions with regard to perforation, defacement and all other matters subject to which Anchal stamps may be accepted or refused in payment of postage or other sums;

(*d*) regulate the custody, supply and sale of Anchal stamps;

(*e*) declare the persons by whom and the terms and conditions subject to which Anchal stamps may be sold; and

(*f*) prescribe the duties and remuneration, if any, of persons selling Anchal stamps.

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15. Anchal stamps provided under section 14 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Cochin Penal Code, I of 1059, and, subject to the other provisions of this Act, shall be used for the prepayment of postage or other sums chargeable under this Act in respect of Anchal articles, except where Government direct that prepayment shall be made in some other way.

Anchal stamps to be deemed stamps for the purpose of revenue.

CHAPTER V

Conditions of transmission of Anchal articles

16. (1) Government may, by rule, provide for the redelivery to the sender without reference to the consent of the addressee and subject to such conditions (if any) as may be deemed fit, of any Anchal article in course of transmission by Anchal.

Redelivery to sender of Anchal article in course of transmission by Anchal.

(2) Save as provided by any rules that may be made under sub-section (1), the sender shall not be entitled to recall an Anchal article in course of transmission by Anchal.

17. (1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by Anchal any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure Anchal articles in course of transmission by Anchal or any Officer of the Anchal Department.

Transmission by Anchal of anything injurious prohibited.

(2) No person shall send by Anchal any article or thing which is likely to injure Anchal articles in course of transmission by Anchal or any officer of the Anchal Department.

18. No person shall send by Anchal—

Transmission by Anchal of anything indecent, etc., prohibited.

(*a*) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or

(*b*) any Anchal article having thereon, or on the cover thereof, any words, marks or designs

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of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.

Power to make rules as to the transmission by Anchal of Anchal articles.

19. (1) Government may make rules as to the transmission of Anchal articles by Anchal.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) specify articles which may not be transmitted by Anchal;

(*b*) prescribe conditions on which articles may be transmitted by Anchal;

(*c*) provide for the detention and disposal of articles in course of transmission by Anchal in contravention of rules made under clause (*a*) or clause (*b*);

(*d*) provide for the granting of receipts for, and granting and obtaining of certificates of, posting and delivery of Anchal articles and the sums to be paid, in addition to any other postage, for such receipts and certificates; and

(*e*) regulate covers, forms, dimensions, maximum weights, and enclosures, and the use of Anchal articles, other than letters, for making communications.

(3) Anchal articles shall be posted and delivered at such times and in such manner as the Superintendent of Registration and Anchal may, by order, from time to time appoint.

Power to postpone despatch or delivery of certain Anchal articles.

20. (1) Where the despatch or delivery from an Anchal Office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels or any of them, such packets or parcels or any of them, may, subject to such rules as Government may make in this behalf, be detained

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in the Anchal Office so long, as may be necessary.

(2) Where separate parcel mails are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Anchal Office for that purpose.

Power to deal with Anchal articles posted in contravention of Act.

21. (1) Any Anchal article sent by Anchal in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as Government may, by rule, direct.

(2) Any officer in charge of an Anchal Office or authorised by the Superintendent of Registration and Anchal in this behalf may open or unfasten any newspaper or any book, pattern or sample packet in course of transmission by Anchal, which he suspects to have been sent by Anchal in contravention of section 18, clause (*a*), or of section 19 or of any of the provisions of this Act relating to postage.

(3) Notwithstanding anything in sub-section (1)—

(*a*) any Anchal article sent by Anchal in contravention of the provisions of section 17 may, under the authority of the Superintendent of Registration and Anchal if necessary, be opened and destroyed ; and

(*b*) any Anchal article sent by Anchal in contravention of the provisions of section 18, may be disposed of in such manner as Government may, by rule, direct.

Power to deal with Anchal articles containing goods contraband or liable to duty.

22. Except as otherwise provided in this Act where an Anchal article suspected to contain any goods of which the import by Anchal or the transmission by Anchal is prohibited by or under any enactment for the time being in force or anything liable to duty, is received for delivery at an Anchal Office, the officer in charge of the Anchal Office shall send a notice in writing to the addressee inviting him to attend either in person or by agent, within a specified time at the Anchal Office, and shall in the

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presence of the addressee or his agent or if the addressee or his agent fails to attend as aforesaid, then in his absence, open and examine the Anchal article in the presence of two respectable witnesses and make a record of the same with their attestation:

Provided that in all cases, an Anchal article after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the article and the circumstances connected therewith shall be immediately reported to the Superintendent of Registration and Anchal.

Power to intercept notified goods during transmission by Anchal.

23. Where a notification has been published under section 18 of the Cochin Sea Customs Act, XII of 1109, in respect of any goods of any specified description, any officer of the Anchal Department empowered in this behalf by Government may search, or cause search to be made, for any such goods in course of transmission by Anchal, and shall deliver all Anchal articles reasonably believed or found to contain such goods to such officer as Government may appoint in this behalf, and such goods may be disposed of in such manner as Government may direct. In carrying out any such search, such officer of the Anchal Department may open or unfasten, or cause to be opened or unfastened, any newspaper or any book, pattern or sample packet in course of transmission by Anchal.

Power to intercept Anchal articles for public good.

24. (1) On the occurrence of any public emergency, or in the interests of public safety or tranquillity, Government or any officer specially authorised in this behalf by Government, may, by order in writing, direct that any Anchal article or class or description of Anchal articles in course of transmission by Anchal shall be intercepted or detained, or shall be delivered to Government or to an officer thereof mentioned in the order, to be disposed of in such manner as Government may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interests of public safety or tranquillity, a

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certificate signed by the Secretary to Government shall be conclusive proof on the point.

Power to deal with Anchal articles bearing fictitious or previously used Anchal Stamps.

25. (1) When an Anchal article is received by Anchal—

(*a*) bearing a fictitious Anchal stamp, that is to say, any facsimile or imitation or representation of an Anchal stamp, or

(*b*) purporting to be prepaid with any Anchal Stamp which has been previously used to prepay any other Anchal article, the officer in charge of the Anchal Office at which the Anchal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the Anchal Office to receive delivery of the Anchal article.

(2) If the addressee or his agent attends at the Anchal Office within the time specified in the notice and consents to make known to the officer in charge of the Anchal Office the name and address of the sender of the Anchal article and to redeliver to the Officer aforesaid the portion of the Anchal article which bears the address and the fictitious or previously used Anchal stamp, or, if the Anchal article is inseparable from the stamp, the entire Anchal article, the Anchal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the Anchal Office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the Anchal article or portion thereof as required by sub-section (2), the article shall not be delivered to him, but shall be disposed of in such manner as Government may direct.

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26. No newspaper printed and published within the State without conforming to the rules laid down in the Cochin Press and Registration of Books Act, VII of 1097, shall be transmitted by Anchal.

Prohibition of transmission by Anchal of certain newspapers.

Power to detain newspapers and other articles being transmitted by Anchal.

27. (1) Any officer of the Anchal Department authorised by Government in this behalf may detain any Anchal article in course of transmission by Anchal which he suspects to contain—

(*a*) (*i*) any newspaper or book as defined in the Cochin Press and Registration of Books Act, VII of 1097; or

(*ii*) any document containing any seditious matter, that is to say, any matter the publication of which is punishable under section 120 of the Cochin Penal Code, I of 1059; or

(*b*) any newspaper as defined in the Cochin Press and Registration of Books Act, VII of 1097, edited, printed or published otherwise than in conformity with the rules laid down in that Act; and

shall deliver any Anchal article so detained to such officer as Government may appoint in this behalf.

(2) Any officer detaining any Anchal article under the provisions of sub-section (1) shall forthwith send by Anchal to the addressee of such article notice of the fact of such detention.

(3) Government shall cause the contents of any Anchal article detained under sub-section (1) to be examined, and, if it appears to Government that the article contained any newspaper, book or other document, of the nature described in clause (a) or clause (b) of sub-section (1), may pass such orders as to the disposal of the article and its contents as they may deem proper, and, if it does not so appear, shall release the article and

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its contents, unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any article detained under the provisions of clause (a) of sub-section (1) may, within two months from the date of such detention, apply to Government for release of the same, and Government shall consider such application and pass such orders thereon as they may deem to be proper.

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any seditious matter.

(4) In this section, "document" includes also any painting, drawing or photograph, or other visible representation.

Procedure for disposal by High Court of applications for release of newspapers and articles so detained.

28. Every application made under the second proviso to sub-section (3) of section 27 shall be heard and determined in the manner provided by sections 84 D to 84 F of the Code of Criminal Procedure (II of 1086) by a Full Bench of the High Court constituted in the manner provided by section 84 C of that Code.

Jurisdiction barred.

29. No order passed or action taken under section 27 shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section.

CHAPTER VI

Registration and Value-payable Anchal

Registration of Anchal articles.

30. The sender of an Anchal article may, subject to the other provisions of this Act, have the article registered at the Anchal Office at which it is posted and require a receipt therefor; and Government may, by notification in the Cochin Government Gazette, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of Anchal articles.

Power to make rules as to registration.

31. (1) Government may make rules as to the registration of Anchal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

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(*a*) declare in what cases registration shall be required;

(*b*) prescribe the manner in which the fees for registration shall be paid; and

(*c*) direct that twice the fee for registration shall be levied on the delivery of an Anchal article required to be registered on which the fee for registration has not been prepaid.

(3) Anchal articles made over to the Anchal Office for the purpose of being registered shall be delivered, when registered, at such times and in such manner as the Superintendent of Registration and Anchal may, by order, from time to time appoint.

Transmission by Anchal of Value-payable Anchal articles.

32. Government may, by notification in the Cochin Government Gazette, direct that, subject to the other provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of an Anchal article shall be recoverable on the delivery thereof from the addressee, and that the sum, so recovered, shall be paid to the sender:

Provided that Government shall not incur any liability in respect of the sum specified for recovery, unless and until that sum has been received from the addressee.

Explanation.—Anchal articles sent in accordance with the provisions of this section may be described as "value-payable" Anchal articles.

Power to make rules as to value-payable Anchal articles.

33. (1) Government may make rules as to the transmission by Anchal of value-payable Anchal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) declare what classes of Anchal articles may be sent as value-payable Anchal articles;

(*b*) direct that no Anchal article shall be so sent unless the sender declares that it is sent in execution

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of a *bona fide* order received by him ;

(*c*) limit the value to be recovered on the delivery of any value-payable article ;

(*d*) prescribe the form of declaration to be made by the senders of value-payable Anchal articles, and the time and manner of the payment of fees ;

(*e*) provide for the retention and repayment to the addressees in cases of fraud of money recovered on the delivery of any value-payable Anchal article ; and

(*f*) prescribe the fees to be charged for inquiries into complaints regarding the delivery of or payment for value-payable Anchal articles.

(3) Anchal article shall be made over to the Anchal Office for the purpose of being sent as "value-payable" and shall be delivered, when so sent, at such times and in such manner as the Superintendent of Registration and Anchal may, by order, from time to time appoint.

(4) No suit or other legal proceeding shall be instituted against Government or any officer of the Anchal Department in respect of anything done, or in good faith purporting to be done, under any rule made under clause (*e*) of sub-section (2).

Power to give effect to arrangements with another State.

34. (1) Where arrangements are in force with any other State for the transmission by Anchal of registered or value-payable Anchal articles, between Cochin State and that State, Government may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

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(*a*) the form of declaration to be made by the senders of such Anchal articles as aforesaid ; and

(*b*) the fees to be charged in respect thereof.

CHAPTER VII

Undelivered Anchal articles

Power to make rules as to the disposal of undelivered Anchal articles.

35. (1) Government may make rules as to the disposal of Anchal articles, which for any reason cannot be delivered (hereinafter referred to as "undelivered Anchal articles.")

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the period during which undelivered Anchal articles at an Anchal Office shall remain in that office; and

(*b*) provide for the publication of lists of undelivered Anchal articles, or of any class of undelivered Anchal articles.

(3) Every undelivered Anchal article, after being detained at an Anchal Office for the period prescribed by rule under the foregoing provisions of this section, shall be either forwarded free of further charge to the Anchal Office, at which it was posted, for return to the sender, or sent to the Office of the Superintendent of Registration and Anchal.

Disposal of undelivered Anchal articles at office of the Superintendent of Registration and Anchal.

36. (1) Every Anchal article received at the Office of the Superintendent of Registration and Anchal under sub-section (3) of section 35 shall be dealt with as follows.—

(*a*) if practicable, it shall be redirected and forwarded by Anchal to the addressee ; or

(*b*) if it cannot be redirected and forwarded as aforesaid, it shall be opened by some officer, appointed

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by the Superintendent of Registration and Anchal in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.

(2) If the name and address of the sender are so ascertained, it shall be returned by Anchal to the sender free of further charge or subject to such further charge as Government may, by rule, direct.

Final disposal of undelivered Anchal articles

37. Undelivered Anchal articles which cannot be disposed of under the foregoing provisions, shall be detained in the Office of the Superintendent of Registration and Anchal for such further period (if any), and shall be dealt with in such manner as Government may, by rule, direct :

Provided that—

(*a*) letters and cards shall be destroyed;

(*b*) money or saleable property, not being of a perishable nature, found in any undelivered Anchal article, shall be detained for a period of one year in the Office of the Superintendent of Registration and Anchal, and, if on the expiration of that period no person has established his right thereto, shall, if money, be credited to the Anchal Department, and, if saleable property, be sold, the sale proceeds being credited to the Anchal Department.

CHAPTER VIII

Hundies

Power to maintain hundi system and to make rules as to remittances thereby.

38. (1) Government may provide for the remitting of small sums of money through the Anchal Office by means of hundies, and may make rules as to such hundies.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

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(*a*) the limit of amount for which hundies may be issued;

(*b*) the period during which hundies shall remain current; and

(*c*) the rates of commission or the fees to be charged on hundies or in respect thereof.

Power of remitter to recall hundies or alter name of payee.

39. (1) Subject to such conditions as Government may, by rules made under section 38, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Anchal Office by means of a hundi may require that the amount of the hundi, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct;

(2) If neither the payee nor the remitter of a hundi can be found, and if within the period of one year from the date of the issue of the hundi, no claim is made by such payee or remitter, the amount of such hundi shall not be claimable from Government.

Power to give effect to arrangements with another State.

40. (1) Where arrangements are in force with any other State, for the issue and payment through the Anchal Office of hundies between Cochin State and that State, Government may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the manner in which, and the condition subject to which, such hundies may be issued and paid in Cochin; and

(*b*) the rates of commission to be charged thereon.

Recovery of hundies paid to the wrong person.

41. If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund—

(*a*) any amount paid to him, in respect of a hundi by an officer of the Anchal

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Department in excess of what ought to have been paid to him in respect thereof, or

(*b*) the amount of a hundi paid by an officer of the Anchal Department to him instead of to some other person to whom it ought to have been paid,

such amount shall be recoverable from the person so neglecting or refusing, as if it were an arrear of land revenue due from him.

Exemption from liability in respect of Hundies.

42. No suit or other legal proceeding shall be instituted against Government or any officer of the Anchal Department in respect of—

(*a*) anything done under any rules made by Government under this chapter; or

(*b*) the wrong payment of a hundi caused by incorrect or incomplete information given by the remitter as to the name and address of the payee, provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or

(*c*) the payment of any hundi being refused or delayed by, or on account of, any accidental neglect, omission or mistake, by, or on the part of, an officer of the Anchal Department, or for any other cause whatsoever, other than the fraud or wilful act or default of such officer; or

(*d*) any wrong payment of a hundi after the expiration of one year from the date of the issue of the hundi; or

(*e*) any wrong payment or delay in payment of a hundi beyond the limits of Cochin by an officer of any Anchal Office not being one established by Government.

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CHAPTER IX

Penalties and Procedure

OFFENCES BY OFFICERS OF THE ANCHAL DEPARTMENT

Penalty for misconduct of person employed to carry or deliver mail bags or Anchal articles.

43. Whoever, being employed to carry or deliver any mail bag or any Anchal article in course of transmission by Anchal,—

(*a*) is in a state of intoxication while so employed, or

(*b*) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or Anchal article as aforesaid is endangered, or

(*c*) loiters or makes delay in the conveyance or delivery of any such mail bag or Anchal article as aforesaid, or

(*d*) does not use due care and diligence safely to convey or deliver any such mail bag or Anchal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

Penalty for voluntary withdrawal from duty without permission or notice, of person employed to carry or deliver mail bags or Anchal articles.

44. Whoever, being employed to carry or deliver any mail bag or any Anchal article in course of transmission by Anchal, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for making false entry in register kept by person employed to carry or deliver Anchal articles.

45. Whoever, being employed to carry or deliver any Anchal article in course of transmission by Anchal and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered an Anchal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for theft, dishonest misappropriation, secretion, destruction,

46. Whoever, being an officer of the Anchal Department, commits theft in respect of, or dishonestly misappropriates, or, for any purpose whatsoever, secretes, destroys or throws away, any Anchal article in course of transmission by Anchal or anything contained therein,

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shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

or throwing away, of Anchal articles.

47. Whoever, being an officer of the Anchal Department, contrary to his duty, opens, or causes or suffers to be opened, any Anchal article in course of transmission by Anchal, or wilfully detains or delays, or causes or suffers to be detained or delayed, any such Anchal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine or with both:

Penalty for opening, detaining or delaying Anchal articles.

Provided that nothing in this section shall extend to the opening, detaining or delaying of any Anchal article under the authority of this Act or in obedience to the order in writing of Government, or the direction of a competent court.

48. Whoever, being an officer of the Anchal Department,—

Penalty for fraud in connection with official marks and for receipt of excess postage.

(*a*) fraudulently puts any wrong official mark on an Anchal article, or

(*b*) fraudulently alters, removes or causes to disappear any official mark which is on an Anchal article, or

(*c*) being entrusted with the delivery of any Anchal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act,

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

49. Whoever, being an officer of the Anchal Department, entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for fraudulently preparing, altering, secreting or destroying Anchal Office documents.

50. Whoever, being an officer of the Anchal Department, sends by Anchal, or puts into any mail bag any Anchal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud Government of the postage on such Anchal article, shall be punishable with imprisonment for

Penalty for fraudulently sending unpaid Anchal articles.

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a term which may extend to two years, and shall also be punishable with fine.

OTHER OFFENCES

Penalty for contravention of section 4.

51. (1) Whoever—

(*a*) conveys, otherwise than by Anchal, a letter within the exclusive privilege conferred on Government by section 4, or

(*b*) performs any service incidental to conveying, otherwise than by Anchal, any letter within the exclusive privilege aforesaid, or

(*c*) sends, or tenders or delivers in order to be sent, otherwise than by Anchal, a letter within the exclusive privilege aforesaid, or

(*d*) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by Anchal,

shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

Penalty for contravention of section 5.

52. (1) Whoever, in contravention of the provisions of section 5, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

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53. Whoever, being appointed to sell Anchal stamps— **Penalty for breach of rules under section 14.**

(*a*) takes from any purchaser of any Anchal stamp or quantity of Anchal stamps a price higher than that fixed by any rule made under section 14, sub-section (3), clause (*a*), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(*b*) commits a breach of any other rule made under section 14 shall be punishable with fine which may extend to two hundred rupees.

54. (1) Whoever, in contravention of the provisions of section 17 or section 18, sends or tenders or makes over in order to be sent by Anchal, any Anchal article or anything, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. **Penalty for contravention of section 17 or 18.**

(2) The detention in the Anchal Office of any Anchal article on the ground of its having been sent in contravention of the provisions of section 17 or section 18 shall not exempt the sender from any proceedings which might have been taken if the Anchal article had been delivered in due course of Anchal.

55. Whoever places in or against any letter-box provided by the Anchal Office for the reception of Anchal articles any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any such letter-box, or does anything likely to injure any such letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. **Penalty for defiling or injuring Anchal Office letter-boxes.**

56. Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars, or in any way disfigures any Anchal Office or any letter-box provided by the Anchal Office for the reception of Anchal articles, shall be punishable with fine which may extend to fifty rupees. **Penalty for affixing without authority thing to, or painting, tarring or disfiguring Anchal Office or Anchal Office letter-box.**

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Penalty for making false declaration.

57. Whoever, being required by this Act to make a declaration in respect of any Anchal article to be sent by Anchal or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and if the false declaration is made for the purposes of defrauding Government, with fine which may extend to five hundred rupees.

Penalty for detaining mails or opening mail bag.

58. Whoever, except under the authority of this Act or of any other Act for the time being in force or in obedience to the order in writing of Government or the direction of a competent court, detains the mails or any Anchal article in course of transmission by Anchal, or on any pretence opens a mail bag in course of transmission by Anchal, shall be punishable with fine which may extend to two hundred rupees:

Provided that nothing in this section shall prevent the detention of an officer of the Anchal Department carrying the mails or any Anchal article in course of transmission by Anchal, on a charge of having committed an offence declared to be cognisable by the Code of Criminal Procedure, (II of 1086), or any other law for the time being in force.

Penalty for retaining Anchal articles wrongly delivered or mail bags.

59. Whoever fraudulently retains, or wilfully secretes or makes away with or keeps or detains, or, when required by an officer of the Anchal Department, neglects or refuses to deliver up, any Anchal article in course of transmission by Anchal which ought to have been delivered to any other person, or a mail bag containing an Anchal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

Penalty for unlawfully diverting letters.

60. Whoever, not being an officer of the Anchal Department, wilfully and maliciously, with intent to injure any person, either opens or causes to be opened, any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both:

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Provided that nothing in this section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

GENERAL

Penalty for abetting, or attempting to commit offences under the Act.

61. Whoever abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

Property in cases of offences to be laid in the Anchal Office.

62. In every prosecution for an offence in respect of a mail bag or of any Anchal article sent by Anchal, it shall be sufficient, for the purpose of the charge, to describe the mail bag or Anchal article as being the property of the Anchal Department and it shall not be necessary to prove that the mail bag or Anchal article was of any value.

Authority for prosecutions under certain sections of the Act.

63. No court shall take cognisance of an offence punishable under any of the provisions of sections 45, 47, 48, clauses (*a*) and (*b*), 49, 50, 51, 52, 54, 57 and 58 of this Act, unless upon complaint made by order of or under authority from the Superintendent of Registration and Anchal.

CHAPTER X
Supplemental

General powers to make rules and provisions as to rules under the Act.

64. (1) In addition to the powers hereinbefore conferred, Government may make rules to carry out any of the purposes and objects of this Act.

(2) In making any rule under this Act, Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(3) All rules made by Government under this Act shall be published in the Cochin Government Gazette, and on such publication shall have effect as if enacted in this Act.

Delegation of powers, other than rule-making powers, to Superintendent of Registration and Anchal.

65. Government may, by notification in the Cochin Government Gazette, authorise, either absolutely or subject to conditions, the Superintendent of Registration and Anchal to exercise any of the powers conferred upon Government by this Act, other than a power to make rules.

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Repeal of enactments.

66. The enactments specified in the Schedule are hereby repealed.

SCHEDULE

1. Act I of 1067.
2. Amendment Act IV of 1114

APPENDIX III

THE COCHIN MUNICIPAL ACT (AMENDMENT) BILL

Preamble.—Whereas it is expedient further to amend the Cochin Municipal Act, XVIII of 1113; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Municipal (Amendment) Act, of 111 and shall come into force at once.

2. *Amendment of section 13.*—For sub-section 4 of section 13 of the Cochin Municipal Act, XVIII of 1113, hereinafter referred to as the Act, the following shall be substituted.—

"1. (4) The Government may, at any time, remove the Commissioner from Office and shall do so if such removal is recommended by a resolution of the Council passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the Council".

3. *Amendment of section 51.*—For sub-section (2) of section 51 of the Cochin Municipal Act, XVIII of 1113, substitute the following.—

"(2) No officer of Government shall be qualified for election or for holding office as an elected councillor:

Provided that this prohibition shall not apply to the holder of any office which does not involve both of the following incidents, namely.—

(*a*) that the incumbent is a whole-time servant of the Government; and

(*b*) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section the question shall be referred to the Government whose decision shall be final."

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